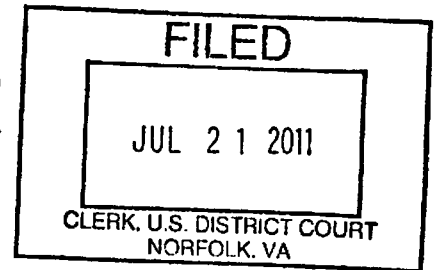


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



MANHEIM AUTOMOTIVE
FINANCIAL SERVICES, INC.,

Plaintiff,

v.

ACTION NO. 4:11cv21

PETTIE'S, INC.,
DOUGLAS L. PETTIE
and
BARBARA PETTIE,

Defendants.

ORDER

This matter comes before the court on the unopposed Motion for Summary Judgment, filed by the plaintiff on May 20, 2011. The matter was referred to a United States Magistrate Judge by Order of June 7, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The Magistrate Judge's Report and Recommendation was filed on June 21, 2011. The magistrate judge recommended that the Motion for Summary Judgment be granted. By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On June 30, 2011, the court received the plaintiff's Objection to the Magistrate Judge's Report and Recommendation.

The court, having examined the Objection by the plaintiff to the Report and Recommendation and having made de novo findings with respect thereto, does hereby **SUSTAIN** the Objection. In all other respects, the court adopts and approves the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed June 21, 2011. Accordingly, insofar as the action against defendants Douglas L. Pettie and Barbara Pettie has been stayed due to their filing of a bankruptcy petition, the plaintiff's Motion for Summary Judgment against only defendant Pettie's Inc. is **GRANTED** and judgment is hereby entered against only defendant Pettie's Inc. in the amount of \$92,813.45, plus interest at the annual rate of 6.82% from May 12, 2011, on any outstanding balance, until paid in full.

Also, the uncontested Security Agreement and Note signed by the parties provided that Pettie's Inc. is liable to the plaintiff for all attorneys' fees, expenses, and costs incurred by the plaintiff to enforce the loan documents. Accordingly, pursuant to the Affidavit of Jeffrey H. Geiger filed with the plaintiff's Objection to the Magistrate Judge's Report and Recommendation, to which there has been no objection, the plaintiff is **AWARDED** the sum of \$23,079.60 in attorney's fees, and the sum of \$626.97 in costs.

Moreover, the case is Administratively Closed as to defendants Douglas L. Pettie and Barbara Pettie, pending resolution of their federal bankruptcy petition. After which, the case may be reopened

by motion of any party within fourteen (14) days of the conclusion of the bankruptcy proceeding, as appropriate. The statute of limitations as to these two defendants is tolled during the pendency of their bankruptcy proceeding.

The Clerk shall forward a copy of this Order to counsel for the parties, enter judgment for plaintiff as set forth herein, and Administratively Close the case.

It is so ORDERED.

/s/
Rebecca Beach Smith
United States District Judge

RBS

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

July 21, 2011